

**IN THE EASTERN DISTRICT OF PENNSYLVANIA
DISTRICT COURT**

BENJAMIN NASH

v.

NO. 23-3679

**CITY OF PHILADELPHIA
CITY OF PHILADELPHIA, POLICE DEPARTMENT
BRIAN MITCHELL, PERSONAL & OFFICIAL CAPACITY**

**AMENDED COMPLAINT &
REQUEST FOR COURT APPOINTED LAWYER**

NOW COMES, Benjamin Nash, Pro se Litigant, representing the following facts:

1. On September 10, 2022, Petitioner arrived at his fixed place of business, Nash Maintenance, located at 519 Brittan Street, Philadelphia PA 19138, at around or about 7:00am, where he noticed that, the place has been broken into.
2. Petitioner was searching the building and proceeding to call the police when he heard loud noises which appeared to him like someone was breaking into the place.
3. Petitioner then retrieved a firearm and proceeded to the front door where he noticed it was the police who was barging into the building.
4. Petitioner immediately lowered his firearm and retreated back into the building, at which time the police fired multiple rounds into the building, which went through the walls, eventually striking Petitioner in his buttocks.
5. Police officers at no time made any announcements prior to breaking into his property, or while on the premises, Petitioner has no way of knowing it was the police breaking into his property opposed to non police, up until the moment he reached the door. There are no

windows at the property (a garage), and once Petitioner realized it was the police he immediately lowered the firearm and retreated.


6. Police at no point knock and announced to allow Petitioner an opportunity to respond, nor did police announce their presence and business at the property, thereby violating Petitioner's constitutional rights to due process and equal protections of the law, in addition to his right not to be searched or seized without probable cause, or a warrant, and the knock-and-announce rule.
7. Petitioner has a lawful right to protect his life under the state and federal constitutions, which also include the right for Petitioner to bear arms.
8. In fact, under, The Uniform Firearm Act, 18 Pa.C.S. 6105(a)(1), provides that a person who has been convicted of one of the statutory enumerated offenses shall not, inter alia, possess or use a firearm in the Commonwealth. 18 Pa.C.S. 6106(a)(1) of the Uniform Firearm Act, which makes it a felony of the third degree for a person to carry a firearm in any vehicle or concealed on or about his person, **except in his place of abode or fixed place of business**, without a valid and lawfully issued license under this chapter. 18 Pa.C.S. 6106(a)(1).
9. Petitioner is not familiar with the law and does not understand what the court request of him as relates to identifying the legal theory and role of Brian Mitchell, and hereby requests this honorable court to appoint an attorney to represent his claims, and amend or supplement this action.
10. While Petitioner was arrested on a multitude of trumped up charges under CP-51-CR-0001814-2023, and has been held thus far for more than fourteen (14) months, Petitioner has not been provided any PARS, Affidavit of Probable Cause, or any discovery in the matter, and is being held in violation of his constitutional right to be at liberty, where he is being held incarcerated due to his inability to post excessive bail in the matter.

11. Petitioner assumes his arresting officer, Brian Mitchell is the officer that shot him through the wall although he could not see exactly which officer shot him, because during the preliminary hearing in the criminal matter, he admitted to it.
12. Petitioner respectfully request the ability to amend this action to sue hold accountable the appropriate individuals responsible for shooting him in their personal and professional capacity.

WHEREFORE Petitioner, request that an attorney be appointed to represent his claims, to sue for monetary compensation against the City of Philadelphia, and officers involved for shooting him in their personal and official capacity.

Dated: October 22, 2023

Respectfully,

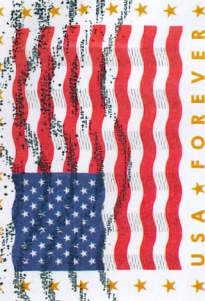


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